IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Family Court Appeal No.11 of 2007

Azim Abdulla Shaikh ..Appellant

vs.

Malan Shanaz Azim Shaikh ..Respondent

Shri A.M.Rajabally i/b Smt.Meena Sanghavi for appellant.
Shri A.I.Patel for respondent.

CORAM: S.B.MHASE &
Smt.NISHITA MAHTRE JJ.
5th February, 2007

P.C.

1. Heard both sides.

2. The order dated 30th September, 2006 passed by the Family Court No.5, Mumbai in Petition No.A-1128 of 2000 is challenged by this first appeal. So far the challenge to the decree of divorce is concerned, it does not survive because the appellant accepts the decree. However, the challenge is to the extent of the order of permanent maintenance granted at the rate of Rs.3000/- p.m. Admittedly the business of the appellant is of footware. It is tried to be submitted across the bar that the business was not being properly run and the father of the appellant was bedridden and ultimately the father of the

appellant has expired. The said business is of the father of the appellant. It has come on record that the business has been leased out at the monthly premium of Rs.14,000/- by accepting a deposit of Rs.2,50,000/- This has been considered by the Family Court. Since it was an admitted income, the said admitted income has been taken into consideration and the amount of Rs.3000/- p.m.has been directed to be paid by way of permanent alimony to the wife. In the facts and circumstances, therefore, we find that the amount of Rs.3000/- p.m. has been properly fixed by the Family Court. We do not find any substance in the appeal. It is hereby rejected.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**